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ABSTRACT

At the survey's inception, P.L. 93-638 which amended the 1936 Johnson-O'Malley Act (JOM) had been passed. However, the new regulations had not been issued. The proposed regulations eliminated the factor of Indian tax-exempt land as a prerequisite in determining eligibility for participation under the JOM program. As the potentially eligible were now eligible (under new BIA regulations), the survey defined these two groups as: reservation based--longtime eligible JOM children and non-reservation based--additional eligible JOM children (under a low priority) based on BIA regulations. Data were obtained from census data and the 1975 surveys of Indian students in public schools completed by all states for various ethnic purposes. This report presents a brief discussion of the basic eligibility criteria for enumerating eligible Indian children; a review of laws, regulations, policies, and the intent of Congress regarding assistance to Indian children in public, private, and parochial schools; and tabular data. Tabular data summarizes the: reservation based and non-reservation based Indian children in the 24 states where Indian lands are held in trust by the U.S. government; total number of eligible and potentially eligible Indian children in all states; and number of now eligible non-reservation based Indian children in states without Indian trust lands. Brief comments on each state situation follow the statistical summaries. (NQ)

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RESEARCH AND EVALUATION REPORT SERIES NO. 49

SURVEY OF POTENTIAL ELIGIBLE INDIAN STUDENTS THROUGHOUT THE UNITED STATES

U S DEPARTMENT OF HEALTH, EDUCATION & WELFARE
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SURVEY OF

POTENTIAL ELIGIBLE INDIAN STUDENTS

THROUGHOUT THE UNITED STATES

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A. INTRODUCTION

At the time this survey was initiated Public Law 93-638 had been passed (January 4, 1975) which amended the Johnson O'Malley Act of April 14, 1936. The new regulations reflecting the JOM amendments had not been issued (although a contract for their development had been let). The proposed new JOM program regulations were published in the Federal Register, September 4, 1975.

The new proposed regulations eliminate the factor of Indian tax-exempt land as a prerequisite in determining eligibility for participation under the JOM Act program. This, in effect, preempts any recommendations that might have been made based on these survey findings and the review of laws, regulations, policies and the intent of Congress with respect to assistance to Indian children in public, private and parochial schools.

At the same time, the new regulations (if finally adopted as proposed) enhances the other practical aspects of this survey. It would appear acutely important for the Bureau of Indian Affairs and the Congress to know who, where and how many additional off-reservation Indian children are potentially eligible for JOM program funds as a result of the basic criterion eligibility change.

Notwithstanding the fact the decision has been made to eliminate the trust land (on or near reservation) requirement in proposing new JOM regulations, a brief discussion of the basic eligibility criteria for enumerating eligible Indian children is given in this report.

Legal Basis for Educational Services

The basic eligibility student requirements for BIA educational services are: 1/4 or more degree Indian blood and a member of a Federally recognized tribe. Both of these requirements are found in law and are not an issue in this survey.

The one-fourth degree Indian blood eligibility requirement was contained in the Appropriation Act of May 25, 1918 and has been embodied in Title 25 United States Code as section 297. It reads as follows

> No appropriation, except appropriations made pursuant to treaties, shall be used to educate children of less than one-fourth Indian blood whose parents are citizens of the United States and of the State wherein they live and where there are adequate free schools facilities provided. /1

Similarly, the provision of services (through the Department of Interior) to only Federally recognized tribes is fixed firmly in Federal statutes and there has not been an inclination to expand this beyond "members of any recognized Indian tribe now under Federal jurisdiction" (IRA, Section 19, Act of June 18, 1934), or as was coded for educational services:

/1 An exception was made in the Appropriation Act of 1923 which stated "The common schools in the Cherokee, Creek, Choctaw, Chickasaw, and Seminole Nations and Quapaw Agency in Oklahoma .... not subject to this provision." So far as could be learned the Bureau has extended educational services on an individual basis to Indians of less than 1/4 degree only to the Cherokees.

> (for Indians) who reside within the exterior boundaries of Indian reservations under jurisdiction of the BIA or on trust or restricted lands under jurisdiction of the BIA.

Again similar language is found in Public Law 93-638, Section 4

> which is recognized as eligible for the special programs and services provided by the U.S. to Indians because of their status as Indians.

The statutes and regulations leave no doubt that BIA services are limited to Indians who are members of tribes and groups with a special trust relationship to the United States.

Trust Land (On or Near) Residency as a Prerequisite for Service

Actual residency on trust land as a prerequisite for educational services for a member of a Federally recognized tribe is more difficult to assess. It would seem safe to assume that (1) it is implied in statutes and that (2) no real problem of Indians living off (or near) reservations existed for a long time; hence, no need for attention until the problem arose.

Congress in legislation first recognized the concept of residency "on or near" reservations as a prerequisite for educational service in the Adult Vocational Training Act (P.L. 84-959). The Act defined individual eligibility for those "who reside on or near an Indian reservation". In this case there is little room for misinterpretation of the intent of Congress at this point in time.

The Johnson O'Malley Act and Eligibility Requirements

The JOM Act has been cited as reflecting the intent of Congress to follow Indians with services wherever they may live. The Senate Subcommittee of Indian Education (Report No. 91-501, popularly known as the Kennedy Report), makes this interpretation to support its recommendation "that Johnson O'Malley funding should not be conditioned by the presence of tax-exempt land". The report says:

> When the law originally was passed, congressional intent was for the act to serve primarily those Indians who were "to a considerable extent mixed with the general population." That intent has not been fulfilled.

In interpreting the intent of Congress with reference to the JOM Act, we believe two paramount factors should be kept in mind. (1) The Act was truly discretionary ("The Secretary of the Interior is authorized, in his discretion"); no service was mandated. Thus the program was not intended as an entitlement program, but gave broad discretionary authority to the Secretary. (2) Only reservation (or rancheria)-related Indian children were served under the state contracts that resulted from the Act. Federal schools in California, Washington and Minnesota were closed. Thus the Bureau, acting for the Secretary, made no broader interpretation of the intent of Congress at the time the program was put into operation. The Senate Report referred to "scattered Indians", "Indian tribal life" as broken up and the "Indians considerably extent mixed with the general population",

all of which fits the situation surrounding the reservation based Federal schools without reading into it a justification for expanding services beyond the reservation or rancheria areas.

Our conclusion is that while the original JOM Act opened the door to request funds for expanded services to Indians, it did not in the practice that followed, nor can it be concluded as the intent of Congress, to expand services to non-reservation based Indian children.

The BIA policy for administering the JOM program received its strongest endorsement from the Congress (obviously reflecting Congressional intent) in Senate Report 1941 in connection with the 1951 Appropriation Bill. The Report says:

> The committee commends the position taken by the Indian Bureau that Indian children, by virtue of their citizenship in a State and residence in a State and district, are entitled to the same free public education rendered to any other citizen children, without any legal obligation resting on the Federal Government to pay tuition for this service. However, the committee also recognizes that the presence of large blocks of nontaxable Indian property within a local district, or unusually large numbers of Indian children, may create a situation which local funds are inadequate to meet. The committee therefore endorses the present policy of the Indian Bureau of recommending Federal financial assistance to these districts ....

Senate Subcommittee Recommends Policy Change

The one pointed change in Congressional intent with reference to educational services to off-reservation Indians comes in 1969 with Senate Report 91-501, entitled Indian Education: A National Tragedy - A National Challenge (the Kennedy Report).

This report clearly recommends a reversal of the long standing policy. Recommendation No. 52 of the subcommittee reads as follows:

> That Johnson O'Malley funding should not be conditioned by presence of tax-exempt land.

This recommendation was implemented in new JOM regulations that were put into effect on September 20, 1974. It was not challenged seriously in the hearings related to 93-638 (except for fear that broader eligibility would reduce services - Forest Girard). Similarly, the BIA in its proposed regulations implementing 93-638 eliminated residence on or near reservation lands as a basic qualifying factor for JOM program purposes.

It be noted that while the Congress in amending the JOM Act (Sec. 203 of P.L. 93-638) for program purposes, makes no mention of basic eligibility requirements, but in Sec. 204 does limit school construction aid to:

> "school districts on or adjacent to or in close proximity to any Indian reservation or other lands held in trust by the United States for Indians if such facilities are necessary for the education of Indians residing on any such reservation lands." (underscoring supplied)

This raises the question, would Congress follow Indian children with program services and not construction aid?

Thus it can be argued with some justification that the intent of Congress was not to change the long standing residence requirement, promulgated in BIA regulations in one form or another as the need arose to 1974. The BIA may be premature in making this change in the absence of any further response from the Congress as to intent.

Notwithstanding, we concur with the conclusion reached by the NIEA in their depth Study of Title II of P.L. 93-638, that "although large blocks of non-taxable land is no longer a requirement of eligibility, the focus is still reservation Indians, their communities, and the public schools they attend." (underscoring supplied)

As long as the BIA does not lose this focus in its full discretion of the priority provided in its new regulation "to contracts (a) which would serve Indian students on or near reservations and (b) where a majority of such Indian students will be members of the tribe(s) of such reservations", the intent or rather intents, of Congress are being followed in the administration of the JOM program.

B. COUNTING INDIAN CHILDREN

At the inception of the survey a major purpose was to enumerate the eligible and potentially eligible Indian children for JOM Program services. As the potentially eligible are now eligible (under BIA regulations) the terminology used in this report to distinguish between these two groups is reservation based and non-reservation based Indian children. The reservation based children are the longtime eligible JOM children and (based on NITRC's research) the focus of Federal responsibility. The non-reservation based are the additional eligible JOM children (under a low priority) based on new BIA regulations.

NITRC originally planned to survey the school districts in states known or believed to have non-reservation based Indian students enrolled. Based on previous surveys only a 65% to 85% response could be expected. Hence some estimates were anticipated to be made from data derived from other sources. The instruments for these surveys were prepared and the plans reviewed with the state Indian Education Directors in Arizona, California, Montana and Washington. NITRC was urged not to resurvey as all states had just completed 1975 surveys of Indian students in public schools for Title IV (Indian Education Act) and other ethnic purposes. Because the surveys were mandated by the states, the results represented 100% response.

For the enumeration of Indian children NITRC has used the survey results provided by the states and the U.S. Office of Education.

Census data is shown in the report as a further check on the validity of the base data used.

Notwithstanding, it should be kept in mind in interpreting results that school district personnel do not normally know (1) what tribes are eligible for Federal services based on their trust land relationship with the United States, and (2) the blood quantum of Indian children. NITRC has assumed that all or nearly all Indian children reported in certain states and districts meet the following criteria:

> An Indian student is a student who is known or believed to possess 1/4 or more degree Indian blood and is a member of a tribe or other organized group (including Aslakan Natives) which is recognized as eligible for special programs and services provided by the United States to Indians because of their status as Indians.

NITRC has made allowances (and cited the basis for same) for children reported by the states who are believed to possess less than 1/4 degree Indian blood and/or who are known or believed not to be members of tribes otherwise eligible for special Federal services.

Table 1 provides the summary of the reservation based and non-reservation based Indian children in the 24 states where Indian lands are held in trust by the U.S. government.

Table 2 summarizes the number of now eligible (by BIA regulations) non-reservation based Indian children in states without Indian trust lands.

Table number 3 summarizes the total number of eligible and potentially eligible Indian children in all states.

Comments on each state situation follows the statistical summaries. All tables reflect the number of eligible JOM Indian children enrolled in public schools in 1975.

TABLE 1

INDIAN CHILDREN IN PUBLIC SCHOOLS
STATES WITH FEDERAL INDIAN RESERVATION LANDS

1975

State	Reservation Based	Non-Reservation Based	Total
Alaska	16,532	0	16,532
Arizona	21,561	11,108	32,669
California	4,843	20,873	25,716
Colorado	897	982	1,879
Florida	245	145	390
Idaho	1,648	1,316	2,964
Iowa	231	339	570
Kansas	220	934	1,154
Michigan	711	1,422	2,133
Minnesota	4,342	5,628	9,970
Mississippi	96	50	146
Montana	7,888	3,859	11,747
Nebraska	865	252	1,117
Nevada	2,710	0	2,710
New Mexico	16,582	6,494	23,076
New York*	2,642	2,000	4,642
North Carolina	100	593	693
North Dakota	2,143	618	2,761
Oklahoma	14,579**	18,015	32,594
Oregon	1,025	1,505	2,530
South Dakota	4,783	3,759	8,542
Utah	1,948	1,732	3,680
Washington	6,856	7,945	14,801
Wisconsin	2,002	5,380	7,382
Wyoming	998	1,009	2,007
Total	116,447	95,958	212,405

* The Federal trust status is based apparently on old treaty provisions with certain New York tribes, even though most services have been provided through the State.

** Based on the possible priority that would be used in allocating funds for children on or in closer proximity to the former reservation areas.

Alaska

The number of Alaskan Native children in public schools is based on statistics furnished by the Department of Education. 1975 data shows total Native as follows:

Districts	11,104
On Base	33
Rural	5,395
Total Public	16,532

An additional 400 Native children are enrolled in mission and private schools. All children are deemed to be reservation based.

Arizona

Approximately two-thirds (21,561 of 32,669) of Arizona Indian children are reservation based. The total of 32,669 reported compares very closely to estimates made from U.S. Census data on children claiming to be Indian. This figure is 31,230. The problem of reporting Indian children less than 1/4 degree would appear minimal.

California

The number of reservation based Indian children is based on a NITRC study in 1975 plus an estimated two year growth factor of 10.4%. This study included a careful survey of all children residing on or near the 533 Indian allotments, 76 rancherias, and 39 reservations. The total of 4,853 Indian children reported

does not include the Indian children residing on or near the 41 rancherias whose trust-land was terminated between 1961 and 1970. NITRC's current survey of BIA records show that 1,641 individuals (of all ages) lost their status as Indians. From this number 1,000 Indian children are estimated now to be in the school age range of 5-19. These children are not eligible for BIA services although they will be included in state, Census and U.S.O.E. totals.

To arrive the total number of non-reservation based Indian children the data is in conflict. A State Department ethnic study showed 22,316 Indian children enrolled in the public schools in 1973. Add to this a growth factor (10.4%) and deduct 1,000 who lost status as Indians and the total number of eligible Indian children is computed to be 23,636 (based on state ethnic data). The U.S.O.E. reports a total of 56,366 Indian children for Title IV purposes. (These include the number of less than 1/4 degree Indian blood.) From U.S. Census data the overall number of school age Indian children is computed to be 30,160. From this number the Federal (600), mission (300), lost Federal status Indians (1,000), and out of school Indian children (.09%) is deducted to project an estimated 25,716 for the total JOM eligible Indian children. This figure may be low due to the effect BIA employment assistance and family relocation efforts.

Colorado

The majority of the non-reservation based children are enrolled in the Denver, Boulder, Colorado Springs area schools thus reflecting the effect of BIA family relocation efforts. The others are located on and near the reservation areas in southern Colorodo (Ignatio, Durango, and Cortez).

Florida

BIA report of 245 children is taken from JOM program statistics (FY 1975). The 134 estimate of the number of non-reservation based children in public schools is derived from BIA statistics (1974 and growth factor) and a further estimate of 20 scattered eligible children for whom the BIA would not normally have records. The U.S.O.E. reports still another 62 children which we assume to lack the 1/4 degree blood quantum.

Idaho

Virtually all the Idaho Indian children reside in districts on or in near proximity to the reservations. These are the districts at American Falls, Blackfoot, Lapwai, Lewiston and Pocatello. Boise accounts for 170 of the non-reservation based children. The other non-reservation based children are the in-town children not previously counted for JOM program purposes.

Iowa

The reservation based children are located exclusively on and near Iowa's single Indian reservation (Sac and Fox). The non-reservation based children are reported from the Sioux City area (probably represents principally the children of families from the Omaha and Winnebago reservations).

Kansas

The proportionally larger number of non-reservation based children is partially accounted for by 240 Indian children in attendance in the public schools of Lawrence where Haskell Institute is located.

Minnesota

Approximately one-half of the Minnesota Indian children are enrolled in public schools on or near the Indian reservations (4,342 of 9,970). Minneapolis, St. Paul and Duluth account for the vast majority of the non-reservation based Indian children reported.

Mississippi

Most Choctaw Indian children attend BIA schools. Ninety-six (96) are reported in JOM programs in schools near the reservation areas. An additional number of 50 children are estimated to be enrolled in public schools in widely scattered communities throughout the state.

Montana

It is estimated that as many as 500 of the 2,247 Indian children reported by school districts (for Title IV) do not meet the 1/4 degree blood quantum requirement for JOM purposes. This allowance is made in the statistics presented in Table 1.

Nebraska

The 252 non-reservation based children would appear to be valid. The data reported is "in line" with the U.S. Census projection of Indians and reflects a slightly higher number of eligible children reported in BIA statistics. The off-reservation districts are located at Bellevue, Falls City, Gordon, Lincoln and Scottsbluff.

Nevada

The number of Indian children in the state survey for Title IV coordinates closely with BIA statistics and Census data, hence no allowance is made for children of less than a 1/4 degree Indian blood. It is assumed that few, if any, were reported by the districts. Since all districts are county-wide there is no difference in the number of reservation based and non-reservation based children. All school district children reside on or near reservation areas.

New York

NITRC has assumed the eligibility of certain New York tribes for whom the Bureau has provided limited services in the past and for whom the Bureau has increased services in recent years. The number of eligible reservation based Indian children was provided through the State Department of Education in New York. The off reservation estimate is made from children of these same tribes who are living in the urban areas of Syracuse, Buffalo, Rochester and New York City. Some Western Indians are known also to reside in the New York City area. An additional 3,032 Indian children are reported by the State for Title IV purposes. These were not included on the assumption that they are members of Northeastern tribes and other New York tribes with which the Bureau has no trust responsibility.

New Mexico

The number of Indian children reported by all the principal sources of data coordinate exceedingly well. State reports 23,076, BIA statistics (1974) 23,061 and Census projection computed to be 22,868 for total number of Indian children in public schools.

North Carolina

Only the Cherokee Indians in the state are eligible for special services through the BIA because of their status as Indians. The estimate of 100 for those that attend the surrounding reservation public schools was made in concert with BIA Area personnel serving the Cherokees.

North Dakota

The question that might be raised in connection with data presented involves the mixed blood Turtle Mountain Indians. Since they represent almost 1/2 of the public school enrollment (1,393 of 2,761) in North Dakota, some small percentage of both the reservation and non-reservation based children reported may not meet the 1/4 degree blood quantum requirement.

Michigan

NITRC has no valid way to account for the vast numbers (19,270) of Indian children reported by the state for Title IV purposes except to assume that most of them do not meet the 1/4 degree blood quantum eligibility requirements for BIA services. The 1,000 plus Indian children reported from the public school district at Sault Ste Marie along with children in many other districts along the Canadian border raises the question of how many of these children are Canadian Indian heritage and hence not JOM eligible. NITRC has chosen to estimate the JOM eligible at twice

the number of the known number of reservation based Indian children. Even this estimate is higher than the number of Michigan public school children reported in BIA statistics.

Oklahoma

NITRC has no feasible way to reconcile the wide discrepancy reported in the number of Indian children for the various purposes except that the additional 50,000 reported by U.S.O.E. for Title IV purposes most probably do not meet the 1/4 degree blood quantum requirement. U.S. Census figures (for persons claiming to be Indian) project Indian public school enrollment in 1975 to be 36,715. BIA statistics (for 1974 plus an average growth factor) project Indian public school enrollment to be 32,594 for the same period. The U.S.O.E. report of 88,713 (for Title IV) for school age children would mean that 71% of the population was school age and enrolled in a public school (based on Census data). The average per cent of Indian school age children to total Indian population is only 35.3%. Thus we have to assume the excess number of non-reservation based Indian children reported for Title IV purposes are the highly mixed bloods and most likely do not meet the blood quantum requirement for BIA special services. (This was confirmed by the State Indian Education Director)

For this survey NITRC has used a projection based on the BIA statistics for the Indian public school enrollment. Even this figure (32,594) may be high. (The State Indian Education Director be-

lieves that no more than 25,000 - 30,000 children could prove their Indian blood quantum).

Oregon

Due both to the highly mixed bloods and the terminated western Oregon tribes, the additional number of JOM eligible children is difficult to assess with accuracy. The children of Federal employees at Salem and Portland account for approximately 200 of the total Indian students reported.

South Dakota

Aberdeen and Rapid City with 192 and 1,350 Indian public school students account for nearly one-half of the non-reservation based students reported.

Utah

The state reports obviously included the children of the small bands of Paiutes and the children of mixed blood Utes who were terminated in the 1950's. NITRC had no objective way of determining with certainty where these technically ineligible children attend school. On the other hand many Navajos are known to live and work in many off-reservation towns and cities. The estimates developed consider these factors.

Washington

The state reports show an extremely high number of non-reservation based Indian children (21,064). Based on Census data as many as one-third of these children may not meet the 1/4 degree blood quantum. The estimate given considers this factor. The number of reservation based children is firm. The totals given are "in line" with Census data projections.

Wisconsin

This is one of the few states where the Census data projects a higher number of Indian children than the state reported for Title IV purposes. NITRC has compromised the two figures to provide the best estimate of eligible non-reservation based children.

Wyoming

Again the Census data projects a higher number of Indian children in the state than is reported by the school districts. The estimate given reflects the larger number as a more valid figure.

TABLE 2

INDIAN CHILDREN IN PUBLIC SCHOOLS
STATES WITH NO FEDERAL INDIAN TRUST LAND

State	Number
Alabama	239
Arkansas	203
Illinois	1,152
Louisiana	250
Maryland	372
Ohio	350
Texas	316
Virginia	89
Total	2,971

Alabama

NITRC assumes that only 1/3 of the number of Indian children reported for Title IV purposes will meet eligibility requirements for BIA services.

Arkansas

The number of Indian children reported represent probably eligible children from Oklahoma tribes.

Illinois

BIA employment assistance and relocation efforts account for the estimate of number of eligible Indian children reported. The Indian children reported in the Chicago-Rockford area are believed to be eligible.

Louisiana

The state reports over 4,000 Indian children for Title IV purposes. NITRC estimates that no more than 250 are members of tribes with a Federal trust land relationship.

Maryland

To arrive at the estimate given, NITRC has used the total number of Indian children reported from Montgomery County as probably eligible (children of BIA employees in Washington, D.C. area) along with a few children reported from other surrounding counties.

Ohio

Only the children from the Cleveland area where the BIA has provided employment and relocation services to eligible tribes has been enumerated for this report.

Texas

The number of Indian children estimated generally represent the children from relocated families in the Dallas-Fort Worth areas plus a few Mescaleros known to be living in El Paso. The Isleta Indians from the old pueblo near El Paso were not included since Federal responsiblity has not been maintained through the years. The small band of Alabama Coushatta Indians near Livingston, Texas were terminated July 1, 1955 (except for continued eligibility for enrollment in Federal boarding schools).

Virginia

No Virginia Indians were included (not under Federal trust supervision). The estimate represents children of BIA and PHS employees in the Washington, D.C. area.

TABLE 3

ELIGIBLE AND POTENTIALLY ELIGIBLE
INDIAN CHILDREN IN PUBLIC SCHOOLS
FOR JOM PROGRAMS

Number in States with Federal Indian Reservations	212,405
Number in States with no Federal Indian Trust Lands	2,971
Total	215,376

C. SUPPLEMENT

Indian Children in Schools
Contracted to Indian Tribes and Groups

Area/School		
Aberdeen		
1.	Crow Creek, Ft. Thompson, S.D.	168
2.	Mandaree, New Town, N.D.	208
3.	Marty, Marty, S.D.	300
4.	Ojibwa, Belcourt, N.D.	242
5.	Pierre, Pierre, S.D.	53
6.	St. Francis, St. Francis, S.D.	527
7.	St. Michael's, St. Michael, N.D.	135
8.	Theodore Jamieson, Bismarck, N.D.	72
Anadarko		
9.	Hammon, Hammon, Oklahoma	54
Billings		
10.	Busby, Busby, Montana	317
11.	St. Stephens, St. Stephens, Wyoming	205
12.	Wyoming High, Ethete, Wyoming	106
Eastern		
13.	Miccosukee, Homestead, Florida	49
Navajo		
14.	Borrego Pass, Crownpoint, N.M.	107
15.	Ramah Navajo, Ramah, N.M.	452
16.	Rock Point, Chinle, Arizona	339
17.	Rough Rock, Chinle, ARizona	443
Phoenix		
18.	Blackwater, Sacaton, ARizona	30

Portland

19.	Coeur D'Alene, Coeur D'Alene, Idaho	62
20.	Ft. Hall, Ft. Hall, Idaho	35
21.	Paschal Sherman, Omak, Washington	174
	TOTAL	4,078

D. SUPPLEMENT

Three and Four Year Old Indian Children

At the request of the Contractor's Representative NITRC has developed an estimate of the number of 3 and 4 year old Indian children in tribes eligible for Federal services. The estimates are based on the average ratio of 3 and 4 year olds are to the in-school population of children (5-19 years). This percentage is computed to be 14%. The estimates are shown in the table that follows by states where Federal Indian reservation lands exist. A separate estimate is made for eligible 3 and 4 year olds in states where there are no Federal Indian reservation lands.

In many other states there are obviously some few children probably scattered through many school districts that meet the BIA criteria for eligibility. It is believed that the numbers are small and the children will not be generally clustered in schools where they might be serviced through JOM program activities.

A validity check is made by comparing U.S. Census projections of the number of 3 and 4 year old assumed eligible children in certain states. These are shown in parentheses on the right side of the chart. It will be noted that most census figures project a larger number of 3 and 4 year olds than are shown in the table. NITRC has to assume that the larger numbers include children who are less than a 1/4 degree Indian blood and/or do not belong to

tribes that are eligible for special educational services through the Bureau of Indian Affairs.

If the BIA should ever require proof of eligibility, we would hazard the guess that 25% of the number reported might not be able to prove eligibility.

In States with Federal Indian Trust Lands

		U.S. Census Projection (for comparison)
Alaska	2,302	
Arizona	7,371	(6,660)
California	3,600	(4,751)
Colorado	263	
Florida	54	
Idaho	414	
Iowa	79	
Kansas	161	
Michigan	298	(881)
Minnesota	1,395	(1,565)
Mississippi	202	
Montana	1,644	(1,906)
Nebraska	156	
Nevada	379	
New Mexico	4,542	(5,107)
New York	650	
North Carolina	255	(only Cherokees)
North Dakota	675	(1,065)
Oklahoma	4,811	
Oregon	354	
South Dakota	2,287	(2,392)
Utah	515	(796)
Washington	2,016	(1,768)
Wisconsin	1,032	(1,238)
Wyoming	280	
Total	35,735	

In States with no Federal Indian Trust Lands

Alabama	33
Arkansas	28
Illinois	161
Louisiana	35
Maryland	52
Ohio	49
Texas	44
Virginia	12
Total	414

Summary: Estimate of Eligible Children 3 and 4 Years Old

In States with Federal Trust Lands	22,350	35,735
On or near reservations	~~21,700~~	
Non-reservation based	13,385	
In States with no Federal Trust Lands		414
TOTAL		36,149

E. GRAND SUMMARY - TABLE

ELIGIBLE AND POTENTIALLY ELIGIBLE INDIAN CHILDREN FOR JOM PROGRAM PURPOSES

	Reservation Based	Non-Reservation	Total
In Public Schools			
In States with Federal, Indian Reservation Lands	116,447	95,958	212,405
In States with No Federal Indian Reservation Lands		2,971	2,971
Sub-Total	(116,447)	(98,929)	(215,376)
In BIA Contract Schools	4,078		4,078
Sub-Total	(120,525)	(98,929)	(219,454)
3 and 4 Year Olds (Estimate)	22,350	13,385	
In Trust Land States			35,735
Non-Trust Land States		414	414
Sub-Total			(36,149)
GRAND TOTAL	142,875	112,728	255,603